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In re Application of
LABRIE, Craig B *et al* :
U.S. Application No.: 09/786,305 :
PCT No.: PCT/US99/13592 :
Int. Filing Date: 16 June 1999 :
Priority Date: 19 June 1998 :
Attorney Docket No.: TRM DV2539 :
For: APPARATUS FOR DEPLOYING AN :
AIR BAG . . . :

DECISION

This decision is in response to applicants' "Petition Under 37 CFR 1.181" ("Pet.") submitted 03 July 2003.

BACKGROUND

On 05 May 2003, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed for failing to satisfy item (4) due to a discrepancy with the name of one of the inventors. Applicants were requested to provide either a new declaration listing the correct name for Mr. Kennedy, a petition under 37 CFR 1.181 if the international publication is incorrect, or a petition under 37 CFR 1.182 if Mr. Kennedy legally changed his name.

On 03 July 2003, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

Petition Under 37 CFR 1.181

Petitioner claims that the international publication incorrectly listed the name of Mr. Kennedy as Mr. Jack J. Kennedy. Petitioner claims that this error occurred "due to the fact the name "Jack" is the nickname of Mr. Kennedy." Pet. at ¶ 5. Petitioner explains that Mr. Kennedy attempted to correct this discrepancy in the PCT Power of Attorney and "inserted the name "John" for "Jack", and signed as Mr. John J. Kennedy . . . However, the PCT/US99/13592 published with the nickname Jack J. Kennedy, and the source of the confusion was born." *Id.* at ¶ 6.

This explanation is sufficient to show that the international publication erroneously indicated that Mr. Kennedy's first name was "Jack" instead of "John."

Accordingly, applicants' petition under 37 CFR 1.181 is hereby **GRANTED**.

Petition Under 37 CFR 1.47(a)

Since the discrepancy in the name of a joint inventor, Mr. John J. Kennedy, has been adequately explained, the declaration previously submitted is now in compliance with 37 CFR 1.497(a) and (b).

Thus, item (4) of 37 CFR 1.47(a) is now satisfied. All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 June 1999 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 May 2002.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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Mr. Kennedy:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Mr. Daniels:

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